



DEBRA BOWEN | SECRETARY OF STATE
STATE OF CALIFORNIA | ELECTIONS

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November 07, 2007

TO: ALL COUNTY CLERKS/REGISTRARS OF VOTERS/PROPONENT
(07205)

FROM:


KATHERINE MONTGOMERY
Elections Analyst

SUBJECT: **INITIATIVE #1286**

Pursuant to Elections Code section 336, we transmit herewith a copy of the Title and Summary prepared by the Attorney General on a proposed initiative measure entitled:

RIGHT TO HEALTH.
CONSTITUTIONAL AMENDMENT.

The proponent of the above-named measure is:

Bryan Costales
P.O. Box 190848
San Francisco, CA 94119-0848

(415) 240-4554

#1286

RIGHT TO HEALTH.
CONSTITUTIONAL AMENDMENT.

CIRCULATING AND FILING SCHEDULE

1. Minimum number of signatures required: 694,354
California Constitution, Article II, Section 8(b)
2. Official Summary Date: Wednesday, 11/07/07
3. Petitions Sections:
 - a. First day Proponent can circulate Sections for
signatures (Elec. Code § 336)..... Wednesday, 11/07/07
 - b. Last day Proponent can circulate and file with the county.
All sections are to be filed at the same time within each
county. (Elec. Codes §§ 336, 9030(a))..... Monday, 04/07/08*
 - c. Last day for county to determine total number of
signatures affixed to petitions and to transmit total
to the Secretary of State (Elec. Code § 9030(b)).....Thursday, 04/17/08

(If the Proponent files the petition with the county on a date prior to
04/07/08, the county has eight working days from the filing of the petition
to determine the total number of signatures affixed to the petition and to
transmit the total to the Secretary of State) (Elec. Code § 9030(b)).
 - d. Secretary of State determines whether the total number
of signatures filed with all county clerks/registrars of
voters meets the minimum number of required signatures
and notifies the countiesSaturday, 04/26/08**
 - e. Last day for county to determine total number of qualified
voters who signed the petition, and to transmit certificate
with a blank copy of the petition to the Secretary of State
(Elec. Code § 9030(d)(e))Monday, 06/09/08

* Date adjusted for official deadline, which falls on a weekend (Elec. Code § 15).

**Date varies based on the date of county receipt.

INITIATIVE #1286

Circulating and Filing Schedule continued:

(If the Secretary of State notifies the county to determine the number of qualified voters who signed the petition on a date other than 04/26/08, the last day is no later than the thirtieth working day after the county's receipt of notification). (Elec. Code § 9030(d)(e)).

- f. If the signature count is more than 763,790 or less than 659,637 then the Secretary of State certifies the petition as qualified or failed, and notifies the counties. If the signature count is between 659,637 and 763,790 inclusive, then the Secretary of State notifies the counties using the random sampling technique to determine the validity of **all** signatures (Elec. Code §§ 9030(f)(g), 9031(a))..... Thursday, 06/19/08*
- g. Last day for county to determine actual number of all qualified voters who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State. (Elec. Code § 9031(b)(c))..... Friday, 08/01/08

(If the Secretary of State notifies the county to determine the number of qualified voters who have signed the petition on a date other than 06/19/08, the last day is no later than the thirtieth working day after the county's receipt of notification.) (Elec. Code § 9031(b)(c).)

- h. Secretary of State certifies whether the petition has been signed by the number of qualified voters required to declare the petition sufficient (Elec. Code §§ 9031(d), 9033) Tuesday, 08/05/08*

*Date varies based on the date of county receipt.

IMPORTANT POINTS

- California law prohibits the use of signatures, names and addresses gathered on initiative petitions for any purpose other than to qualify the initiative measure for the ballot. This means that the petitions cannot be used to create or add to mailing lists or similar lists for any purpose, including fundraising or requests for support. Any such misuses constitutes a crime under California law. Elections Code section 18650; *Bilofsky v. Deukmejian* (1981) 124 Cal.App.3d 825, 177 Cal.Rptr. 621; 63 Ops.Cal.Atty.Gen. 37 (1980).
- Please refer to Elections Code sections 100, 101, 104, 9001, 9008, 9009, 9021, and 9022 for appropriate format and type consideration in printing, typing and otherwise preparing your initiative petition for circulation and signatures. Please send a copy of the petition after you have it printed. This copy is not for our review or approval, but to supplement our file.
- Your attention is directed to the campaign disclosure requirements of the **Political Reform Act of 1974**, Government Code section 81000 et seq.
- When writing or calling state or county elections officials, provide the official title of the initiative which was prepared by the Attorney General. Use of this title will assist elections officials in referencing the proper file.
- When a petition is presented to the county elections official for filing by someone other than the proponent, the required authorization shall include the name or names of the persons filing the petition.
- When filing the petition with the county elections official, please provide a blank petition for elections official use.

EDMUND G. BROWN JR.
Attorney General

State of California
DEPARTMENT OF JUSTICE



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November 7, 2007

FILED
In the office of the Secretary of State
of the State of California

NOV 07 2007

Debra Bowen
Secretary of State
1500 - 11th Street, 5th Floor
Sacramento, CA 95814

Debra Bowen, Secretary of State
By 
Deputy Secretary of State

RE: Title and Summary for Initiative No. 07-0054
TITLE: RIGHT TO HEALTH. CONSTITUTIONAL AMENDMENT.

Dear Ms. Bowen:

Pursuant to the provisions in sections 336 and 9004 of the Elections Code, enclosed please find a copy of the Title and Summary issued for Initiative Number 07-0054 and text of the proposed measure.

Should you have any questions regarding the above, please do not hesitate to contact me.

Sincerely,



KRYSTAL PARIS
Initiative Coordinator

For EDMUND G. BROWN JR.
Attorney General

Enclosures

Proponents' public information:

Bryan Costales
P.O. Box 190848
San Francisco, CA 94119-0848

Telephone: 415 240 4554

Date: November 7, 2007
Initiative No. 07-0054

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

RIGHT TO HEALTH. CONSTITUTIONAL AMENDMENT. Amends the California Constitution to declare that “the right to health is a fundamental human right” and that “equality of rights under the law shall not be denied or abridged on account of health”. Grants the Legislature the power to enforce these provisions by appropriate legislation. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: This measure would have no direct fiscal effect on the state. However, the measure could result in indeterminable state or local government costs depending on how it is interpreted and applied by the courts. (Initiative 07-0054.)

October 2, 2007

Initiative Coordinator
Office of the Attorney General
State of California
1300 I Street
Sacramento, CA 95814

RECEIVED

OCT - 2 2007

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Two minor corrections to proposed Initiative

Dear Initiative Coordinator,

Please replace the prior submitted Initiative with the attached corrected version. The correction is to change 38 into 32, in two places of SECTION 4 of the Initiative proposal:

Change: Section 38 of Article I
To Read: Section 32 of Article I

Change: SEC. 38. (a) The right
To Read: SEC. 32. (a) The right

Thank you very much for your time and service. Should you have any questions or require additional information, you can contact me through Bryan Costales, PO Box 190848, San Francisco, California 94119-0848, or through telephone number (415) 240-4554.

Sincerely,

Bryan Costales
<http://www.bcx.org/health>

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO VOTERS

SECTION 1: Title

This addition to the Constitution is the "Health is a right act."

SECTION 2: Findings and Declarations. The people find and declare as follows:

(a) ARTICLE 1 of the California Constitution enumerates the rights available to residents, persons, and citizens. That article fails to enumerate as rights, the right to protection of health and the right of access to health care.

SECTION 3: Purpose and Intent.

(a) The right to health is a fundamental social principle implemented by way of public health policies, which include prevention, education, combating epidemics and endemic disease, and the organization of treatment. Just as is true for environmental protection and consumer protection, health protection includes a commitment to ensure a high level of human health protection in the implementation of all California State policies and activities. In this context everyone must be recognised as having the right of access to preventive health care and the right to benefit from medical treatment under the conditions established by state laws and practices.

SECTION 4: Section 32 of Article 1 of the Constitution is added to read:

SEC. 32. (a) The right to health is a fundamental human right.

(b) Equality of rights under the law shall not be denied or abridged on account of health.

(c) The Legislature shall have the power to enforce, by appropriate legislation, the provisions of this section.

(d) This section shall not become effective until one calendar year following enactment.